

# Notice of Allowability

Application No.

09/996,184

Examiner

Carlos A. Azpuru

Applicant(s)

AVILA ET AL.

Art Unit

1615

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to to the amendment filed 12/02/2005.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 4012002, 10032003, 3772003, 7312003, 6102005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 7242006
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Carlos A. Azpuru  
Primary Examiner  
Art Unit: 1615

**, EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Isabelle A. S. Blundell, Ph.D. on 02/23/2006.

The application has been amended as follows:

In claim 1, a), after viscosity, add: ,

In claim 1, b), line 4, delete "about"

In claim 1, b), line 5, delete "about"

In claim 1, b), line 4, delete "0.05%and" and replace it with: 0.05% to

In claim 1, b), line 4, delete "20%by" and replace with: "20% by"

In claim 1, b), line 5, delete "4%and" and replace it with: 4% to

In claim 1, b), line 5, delete "30%by" and replace with: "30 %"

In claim 2, line 2, delete the "s" from "glycosaminoglycans, celluloses, dextrans,"

In claim 2, line 3, delete "their"

In claim 2, line 3, delete "and" and replace it with: or

In claim 2, line 3, after "derivatives" add: thereof

In claim 5, line 3, after "isocyanate" and before "." add : group

In claim 8, delete "comprising" and replace it with: comprises

In claim 9, a), ii), line 4, "0.05%and" and replace it with: 0.05% to

In claim 9, a), ii), line 5, delete "4%and" and replace it with: 4% to

In claim 9, a), ii), line 4, delete "about"

In claim 9, a), ii), line 5, delete "about"

In claim 10, line 1, delete "contains"

In claim 11, delete "10", and replace it with : 9

In claim 12, line 2, delete the "s" in glycosaminoglycans, celluloses, dextrans"

In claim 12, line 3, delete "their"

In claim 12, line 3, delete "and" and replace it with: or

In claim 12, line 3, after "derivatives" add: thereof

In claim 15, delete "The method of claim 9," and replace with:

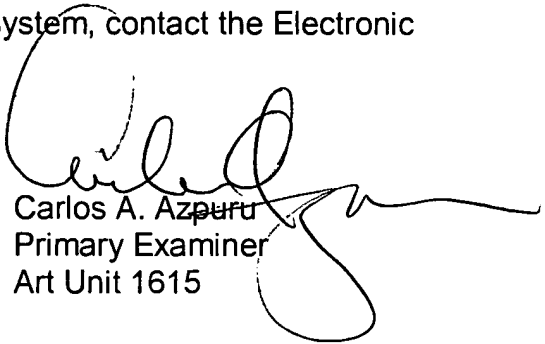
The method of using the polymerizable composition of claim 1 comprising  
polymerizing the polymerizable composition of claim 1 to form a gel,

In claim 15, line 6, delete: prevention of adhesions;

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos A. Azpuru whose telephone number is (571) 272-0588. The examiner can normally be reached on Tu-Fri, 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Primary Examiner  
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### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: The prior art neither teaches, nor fairly discloses the instant mixture of a polymerizable macromer comprising at least one polyalkylene glycol (PAG), and a solution of at least one PAG-interacting polymer having a second viscosity wherein the mixture has a viscosity greater than the sum of the first and second viscosities. The closest prior art is that of Sawhney et al which lists polyalkylene glycols as well as some of the PIP components under water soluble regions (col. 5, line 36-50). However, there is no motivation to combine the components. In fact, the patent seems to teach that one of these components is used to determine the water soluble region (see col. 5, line 50). Therefore, the instant invention is allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

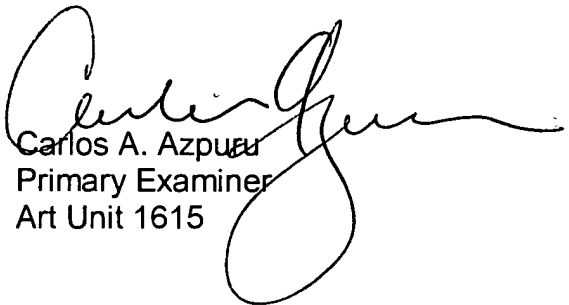
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Continuation of Substance of Interview including description of the general nature of what was discussed: It was agreed that an Examiner's Amendment would be used to correct various typographical errors. The extraneous word "contains" in claim 10 is deleted. Claim 11 will be amended to depend on claim 9 rather than 10. Claim 15 will also be amended to depend on claim 1. .